

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

WRIT PETITION NO. 1281/2023

Rajesh Nanaji Meshram, Aged about 46 years, Occ-Service,
R/o Narendra Heights, Narendra Nagar, Nagpur.

PETITIONER

.....VERSUS.....

1. Nagpur Municipal Corporation,
Through the Municipal Commissioner.
2. The Disciplinary Authority/Inquiry Officer cum
Additional Commissioner (City), Nagpur Municipal
Corporation, Nagpur.

RESPONDENTS

**WITH
WRIT PETITION NO. 1388/2023**

Mohan Ratansingh Padwanshi, Aged about 57 years,
Occ-Service, R/o Shaniwari Imambada road, Near
Shriram Hanuman Mandir, Cotton Market, Nagpur.

PETITIONER

.....VERSUS.....

1. Nagpur Municipal Corporation,
Through the Municipal Commissioner.
2. The Disciplinary Authority/Inquiry Officer cum
Additional Commissioner (City), Nagpur Municipal
Corporation, Nagpur.

RESPONDENTS

Shri Prakash Naidu, counsel for the petitioners.
Shri A.S. Mehadia, counsel for the respondents.

CORAM : A. S. CHANDURKAR AND M.W. CHANDWANI, JJ.

DATE : APRIL 26, 2023.

ORAL JUDGMENT : (PER : A.S. CHANDURKAR, J.)

RULE. Rule made returnable forthwith and heard the learned
counsel for the parties.

2. Both the petitioners who are the employees of the Nagpur Municipal Corporation were proceeded against in view of registration of the First Information Report No. 567 of 2021 on 15.12.2021 for the offence punishable under Sections 420, 465, 467, 468, 471, 406, 409, 201 read with Section 34 of the Indian Penal Code and Section 66(C) of the Information Technology Act, 2000. On the basis of the same event and relying upon the statements of the same persons who would be the witnesses in the criminal trial, departmental enquiry has been held against the petitioners. According to the learned counsel for the petitioners, permitting the departmental enquiry to continue would result in the petitioners being required to disclose their defence. It is therefore prayed that till completion of the criminal trial, the departmental proceedings be kept in abeyance. Reliance is placed on the decision in *Capt. M. Paul Anthony Versus Bharat Gold Mines Ltd. & Another* [(1999) 3 SCC 679] as well as the order passed in *Sudhanshu Shrivastava Versus Coal India Limited* [Writ Petition No. 7073/2022], decided on 10.03.2023. These submissions are opposed by the learned counsel for the respondents by relying upon the affidavit in reply.

3. Having heard the learned counsel for the parties, we find that on the basis of the same event, the criminal proceedings have commenced which has resulted in lodging of the First Information Report dated 15.12.2021. Since the charge has now been framed and the evidence is to commence shortly, we find it to be in the interests of justice to pass the following order in the light of the law laid down in *Capt. M. Paul Anthony* (supra):-

- I. The proceedings in Regular Criminal Case No. 1311 of 2023 pending before the Chief Judicial Magistrate, Nagpur are expedited. The Court shall make an endeavour to complete the trial within a period of six months of the next date of the proceedings. Till conclusion of the said trial, the respondents shall not proceed with the departmental enquiry against the petitioners.
- II. The petitioners shall co-operate with the expeditious disposal of the criminal trial and on the failure on the part of the petitioners in doing so, the Court is free to pass appropriate orders and proceed with the trial.
- III. The stay to the departmental enquiry would operate for a period of six months which would expire on 31.10.2023.
4. With these directions, the Rule stands disposed of. No costs.

(M.W. CHANDWANI, J.)

(A.S. CHANDURKAR, J.)

APTE